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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 REBECCA T. SHUMYE,

No. C-06-3322 MMC

12 Plaintiff,

13 v.

14 SAMUEL D. FELLEKE,

15 Defendant

**ORDER DIRECTING PLAINTIFF TO
SHOW CAUSE WHY ACTION SHOULD
NOT BE DISMISSED AND WHY
MONETARY SANCTIONS SHOULD NOT
BE ISSUED AGAINST PLAINTIFF;
VACATING AUGUST 25, 2008 TRIAL
DATE**

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18 On August 19, 2008, plaintiff failed to appear at the Pretrial Conference, in violation
19 of the Court's May 19, 2008 Pretrial Preparation Order. Earlier, on June 17, 2008, plaintiff
20 failed to appear at her noticed deposition. Further, on July 24, 2008, plaintiff failed to
21 appear at a deposition and to provide documents regarding her income for the years 2003,
22 2006, and 2007, in violation of Magistrate Judge Laporte's order of July 3, 2008.

23 In light of the above-referenced failures to comply with court orders and failures to
24 appear at noticed proceedings, plaintiff is hereby ORDERED TO SHOW CAUSE, in writing
25 and no later than August 29, 2008, why the instant action should not be dismissed with
26 prejudice for failure to prosecute and failure to obey court orders. Further, plaintiff is
27 hereby ORDERED TO SHOW CAUSE, in writing and no later than August 29, 2008, why
28 monetary sanctions should not be imposed against plaintiff in light of her failures to

1 appear.¹

2 Finally, in light of plaintiff's failure to appear at the Pretrial Conference, the Court
3 was unable to conduct such proceeding. Accordingly, the August 25, 2008 trial date is
4 hereby VACATED, and no party shall appear on that date.

5 **IT IS SO ORDERED.**

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7 Dated: August 20, 2008


MAXINE M. CHESNEY
United States District Judge

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27 ¹Defendant, through counsel, appeared at the July 24, 2008 deposition and at the
28 August 19, 2008 Pretrial Conference, thereby incurring attorneys' fees and costs on both
occasions for no purpose.